

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

JOHN DOE,

Case No.: 1:23-cv-01791-PAE

Plaintiff,

-against-

MANHATTAN COLLEGE,

Defendant.

-----X

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**

PLEASE TAKE NOTICE that Plaintiff John Doe (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in this action *without prejudice* as to Defendant Manhattan College (“Defendant”).

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

* * *

Defendant has neither answered Plaintiff’s Complaint, nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court.

Dated: March 7, 2023

Counsel for Plaintiff John Doe

NESENOFF & MILTENBERG, LLP

By: /s/ *Andrew T. Miltenberg*

Andrew T. Miltenberg, Esq.

Stuart Bernstein, Esq.

Helen Setton, Esq.

Kristen Mohr, Esq.

363 Seventh Avenue, Fifth Floor

New York, New York 10001

Tel: 212.736.4500

amiltenberg@nmlplaw.com

sbernstein@nmlplaw.com

hsetton@nmlplaw.com

kmohr@nmlplaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that I will serve an electronic copy of same via electronic mail to General Counsel named above and that paper copies of the foregoing will be served with Plaintiff's Rule 4 service of the complaint and summons on all Defendants.

/s/ Andrew T. Miltenberg
Andrew T. Miltenberg